



STATE OF OREGON  
**Lincoln County District Attorney**

225 West Olive Street, Room 100, Newport, Oregon 97365  
541-265-4145, FAX 541-265-3461, www.co.lincoln.or.us/da/  
MAY 14 PM 3:36

**Rob Bovett**  
District Attorney

**Marcia Buckley**  
Chief Deputy

ENTERED

May 14, 2012

95-2838 BOBBY JACK FOWLER

This subject has been identified by DNA as the suspect in a homicide that occurred in Canada in the mid 1970's. The Royal Canadian Mounted Police will be here Wednesday to collect background information regarding his whereabouts and associations as that may pertain to other unsolved cases they are investigating.

At the time of this incident in June 1995, Fowler was working for a construction company out of Lincoln City. What we don't know yet is how long he was in Newport. If he was here in January 1995, he could be a suspect in the murders of Jennifer Esson and Kara Leas in Newport.

In the court file for this case there is a Presentence Investigation report that I am asking to be unsealed and copied for my investigation. The PSI will contain information useful to me and the RCMP.

Fowlers Oregon DMV record shows that he's deceased.

*R. Benson*  
Ronald D. Benson  
Investigator

*OK 5-17-12*  
**Charles P. Littlehales, Circuit Judge**  
17th Judicial District, Lincoln County  
PO Box 100, NEWPORT OR 97365  
phone: (541) 265-4236 fax: (541) 265-7561, OSB #69106

FILED \_\_\_\_\_ COURT

RECEIVED \_\_\_\_\_

**MAY 17 2012**

AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M  
BY *nm*

*Charles P. Littlehailes  
Circuit Court Judge  
17<sup>th</sup> Judicial District  
Lincoln County  
P.O. Box 100  
NEWPORT OR 97365*



*PHONE: 541-265-4236 ext. 224  
Fax: 541-265-7561*

May 9, 2003

Bobby J. Fowler SID #3195138  
777 Stanton Blvd  
ONTARIO OR 97914

Re: State of Oregon vs. Bobby Jack Fowler #952838

There is no basis in law or fact for this court to entertain a Motion to Set Aside a Conviction. One, I don't have the authority to do it and secondly, you were convicted a vicious act, not the first one in your history, and you are serving the appropriate time. In fact, based on the PSI I reviewed, your behavior and attitude toward the victim are such, you should never be released to prey on society again. If I could have sentenced you to more time, I would have done so. Your Motion is denied.

Charles P. Littlehailes/OSB #69106  
17<sup>th</sup> Judicial District/Lincoln County OR

pc: Lincoln County District Attorney

4-28-03

STATE OF OREGON  
LINCOLN COUNTY COURT  
FILED

Dear Sir

I WAS CONVICTED IN YOUR COURT ON SEVERAL CHARGES ONE OF WHICH WAS KIDNAPPING I, I JUST RECEIVED INFORMATION FROM THE GOVERNOR'S OFFICE OF THIS LAW ORS 137.225 JUDICIAL SET ASIDE OF CONVICTION.

I AM STILL A LAYMAN TO ALL THE LEGAL LAWS OF OREGON BUT I CAN'T DO MUCH WORSET TO MY CASE THAN SOME OF THE LAWYERS I HAVE HAD.

I NOW HAVE PROSTATE CANCER AND DON'T WANT TO DIE IN THIS PLACE, SO I ASK YOU TO SET ASIDE THE KIDNAPPING CHARGE, LET ME PLEA GUILTY ON THE OTHER 5 CHARGES, SEXUAL ABUSE, ATTEMPTED RAPE OF WHICH I RECEIVED 25 MONTHS ON COERCION AND MENACING, WHICH I RECEIVED 24 MONTHS RUN CONCURRENT WITH THE SEX CHARGES ASSAULT 4 WHICH I RECEIVED 6 MONTHS JAIL TIME AND WAS GRANTED TIME SERVED. THE KIDNAPPING CHARGE I RECEIVED 120 MONTHS, THIS CHARGE IS WHY I WOULD NOT PLEA TO 90 MONTHS WHICH PETER FRAY OFFERED ME, I STILL SAY I DID NOT KIDNAP MS [REDACTED]

I HAVE APPEALED TO EVERY COURT UP TO THE 9TH DISTRICT COURT OF APPEALS WHERE MY CASE No 02-35916 IS AT NOW,

WHILE WAITING FOR A RESPONSE FROM THE CALIFORNIA 9TH DISTRICT, I APPLIED TO THE GOVERNOR FOR A CLEMENCY AND HE SENT ME THIS INFORMATION ON THE SET ASIDE LAW.

I FEEL I HAVE DONE MORE THAN ENOUGH TIME FOR THE CRIMES I WAS CONVICTED OF

This is why I appeal to you to set aside  
The Kidnap Charge on me.

Let me out of here so I can go to Louisiana  
I have a home there paid for 13 acres of good  
bottom land with a family cemetery on the property.

The VA Hospital is only 30 miles away where  
all my medical needs are free of charge. Being a  
service connected disabled veteran all my medical  
needs are paid for by the VA.

Your consideration in this matter will be  
greatly appreciated.

Thank you

Sincerely

Bobby Fowler

Bobby J. Fowler 3195138

777 STANTON BLVD.

ONTARIO OR 97914

952838

STATE OF OREGON  
LINCOLN COUNTY COURT  
FILED

7-9-01

7-23-01  
NO ACTION

Dear Sir,

200 JUL 12 PM 1:15

I need a copy of My Sentencing Sheet on The Sex abuse and attempted Rape charges <sup>ENTERED</sup> in my case.

I went To Court in Charles Littlehales court January 8, 1996 The Sex abuse and attempted Rape charges were combined as one charge for sentencing of 75 Months. The Judge also said I would get My Jail Time off of The Sentence so My Time should Have Started June 29, 1995 when I went To Jail on The charges. I also Have The Kidnapping charge 120 Months That is correct on My Face Sheet Here at S.R.C.I. But The Sex abuse charge Has My Discharge Date as 9-29-01.

When Senate Bill 1049 Was passed That Took 6 Months off The Sex abuse charge so That charge should Now Be 69 Months.

Since The Two charges Were counted as one for Sentencing What comes off one should also come off The other.

Please check The Records and send Me a copy of Them. Thank You.

Sincerely

Bobby Fowler

Bobby Fowler 3195138

777 STANTON BLVD.

ONTARIO OR 97914

952838

5-24-99  
STATE OF OREGON  
LINCOLN COUNTY COURT  
FILE 5-15-99  
NO Action

DEAR CHARLES P. LITTLEHALES.

My Esteem Sir, I Hope you Remember My Case For  
The Last Time. I SAW YOU IN YOUR COURT ROOM AT THE  
TIME OF MY SENTENCING. BY YOUR ACTIONS AND ADVICE AT  
THE TIME, I WAS CERTAIN THAT YOU KNEW I GOT A RAW  
DEAL FROM THE JURY AND MEASURE IT TIME ALLOTMENTS.

I NOW APPEAL TO YOU AS ONE MAN TO ANOTHER  
NOT JUDGE TO CONVICT.

MY CASE WAS JUST DENIED ON POST CONVICTION  
BECAUSE I FAILED TO PROVE BASIS FOR POST CONVICTION, I  
HAVE APPEALED THAT DECISION TO THE APPEAL COURT.

WHAT I NEED HELP ON IS TO PROVE THERE WAS  
NO KIDNAPPING. "OK" I KNOW I DID WRONG AND DRUNK  
I DIDN'T HAVE ANY RESPECT TO THE LAWS. I WAS  
MAD AT ALL DOPE ADDICTS AND TOOK IT OUT ON

BECAUSE SHE ASK ME FOR MONEY TO  
BUY DRUGS BUT I DIDN'T KIDNAP THE LADY EVERY  
THING ELSE I WAS GUILTY OF EXCEPT THE RAPE, ALL THE  
OTHER CHARGES I WAS GUILTY.

IS THERE ANY WAY YOU CAN HELP ME ON THIS  
APPEAL OF THE KIDNAPPING CHARGE?

ANY HELP WILL BE GREATLY APPRECIATED

THANK YOU  
BOBBY JACK FOWLER 3195138  
777 STANTON BLVD. S.R.C.I.  
ONTARIO OR 97924

# CRIMINAL HISTORY WORKSHEET

(Attach to Felony Guidelines Sentencing Report)

Court Case #	Offender's Last Name	First	MI
952838	FOWLER, BOBBY JACK		

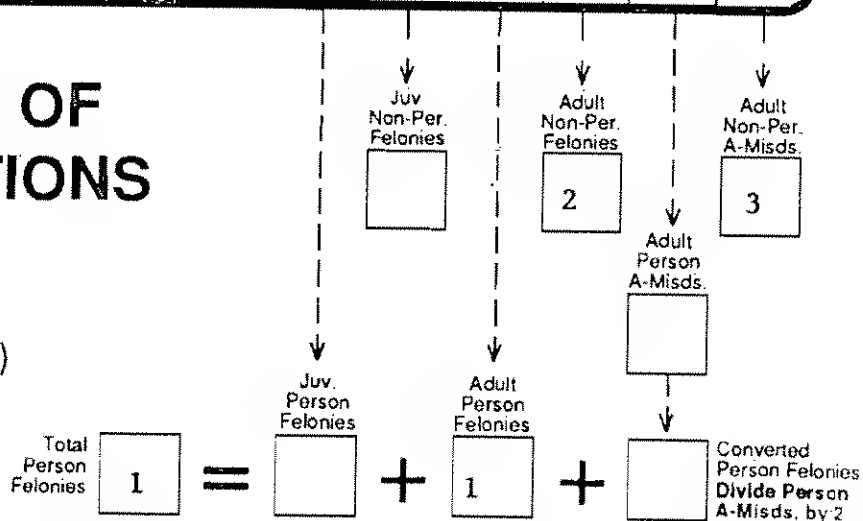
## CONVICTION TYPE

USE AN ASTERISK (\*) TO IDENTIFY CONVICTIONS RELIED UPON IN THE CURRENT PROCEEDING

Offense Title	Court and Case #	Date of Conviction	JUVENILE		ADULT			
			Felony Person	NonPer	Felony Person	NonPer	Class-A Person	NonPer
1 THEFT I	Lane Co. Circuit	01-26-82				X		
2 AGGRAV ASSAULT-DANG WEAP	Wash Co. Circuit	11-30-71			X			
3 DULI	Chatham Co. Ga.	1987						X
4 DULI	Chatham Co. Ga.	1989						X
5 ARSON II	Keosauqua Iowa					X		
6 DULI	Galveston, Texas	05-18-94						X
7								
8								
9								
10								
11								
12								
13								
14								
15								

## TOTAL NUMBER OF PRIOR CONVICTIONS BY TYPE:

(Include only those relied upon in the current proceeding)



# CRIMINAL HISTORY WORKSHEET

(Attach to Felony Guidelines Sentencing Report)

Court Case #

952838

Offender's Last Name

First

MI

FOWLER, BOBBY JACK

## CONVICTION TYPE

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				Felony Person	NonPer	Felony Person	NonPer	Class-A Person	NonPer
1	THEFT I	Lane Co. Circuit	01-26-82				X		
2	AGGRAV ASSAULT-DANG WEAP	Wash Co. Circuit	11-30-71			X			
3	DUII	Chatham Co. Ga.	1987						X
4	DUII	Chatham Co. Ga.	1989						X
5	ARSON II	Keosauqua Iowa					X		
6	DUII	Galveston, Texas	05-18-94						X
7									
8									
9									
10									
11									
12									
13									
14									
15									

## TOTAL NUMBER OF PRIOR CONVICTIONS BY TYPE:

(Include only those relied upon in the current proceeding)

Juv. Non-Per. Felonies  
0

Adult Non-Per. Felonies  
2

Adult Non-Per. A-Misd.  
3

Juv. Person Felonies  
0

Adult Person Felonies  
1

Adult Person A-Misd.  
0

Converted Person Felonies Divide Person A-Misd. by 2  
0

Total Person Felonies

1

=

+

1

+

0



Honorable Judge Littlehales

STATE OF OREGON  
LINCOLN COUNTY COURTS  
FILED

12-31-95

96 JAN -2 AM 11:00

Dear Sir,

ON THE SENTENCING OF ME IN MY CASE  
I AM ASKING THE COURT TO <sup>ENTERED</sup> CONSIDER PLACING ME  
IN A MENTAL ALCOHOL HOSPITAL PROGRAM SO THAT I  
MAY GET THE PROFESSIONAL HELP THAT I NEED  
FOR MY DRINKING.

YOU CAN SEE IN MY RECORD THAT DRINKING  
HAS BEEN THE CAUSE OF ALL OF MY TROUBLE.  
WHEN I AM DRINKING I USE POOR JUDGEMENT  
AND DO STUPID THINGS. I REQUEST TO GO TO A  
MENTAL HOSPITAL THAT CAN GIVE ME THE HELP  
TO QUIT DRINKING AND LIVE A PRODUCTIVE LIFE.

I AM A VERY GOOD CARPENTER AND ROOFER  
WHEN I AM SOBER BUT I CAN'T SEEM TO LEAVE  
THE BOOZE ALONE WHEN I AM OUT OF HERE.

I KNOW THAT I NEED PROFESSIONAL HELP.  
I AM A DISABLE VETERAN AND CAN GO TO THE  
U.A. HOSPITAL WITH THE COURT'S PERMISSION AND  
GET THE HELP AND GUIDANCE THAT I NEED TO  
STRAIGHTEN MY LIFE OUT.

THE CRIMES I WAS CONVICTED OF IN THIS  
CASE IS NOT THE CRIMES OF A PROFESSIONAL  
CRIMINAL BUT THE STUPID ACTS OF A DRUNK  
WITH POOR JUDGEMENT.

I AM ASKING THE COURT TO LOOK AT MY  
CASE AND MY RECORD AND ALLOW ME TO GET THE  
HELP THAT I NEED. NOT ONLY FOR MYSELF BUT  
FOR MY WIFE AND FAMILY.

I KNOW IF I STAY OFF OF THE BOOZE  
MY WIFE WILL COME BACK TO ME AND I CAN  
AND WILL BE A BETTER PRODUCTIVE CITIZEN.  
THANK YOU FOR YOUR TIME AND CONSIDERATION.

Sincerely

Bobby J. Fowler

Care no 952838

10-7-95

HONORABLE Judge CHARLES LITTLEHALES  
 STATE OF OREGON  
 LINCOLN COUNTY COURTS  
 FILED 95 OCT 17 9 AM CLV: JH

YOUR HONOR, I WANTING TO GET MY CASE TO TRIAL AS SOON AS POSSIBLE.

HOWEVER I DO WANT AN ATTORNEY THAT IS WILLING TO SEEK THE TRUE FACTS IN MY CASE.

I AM NOT GUILTY OF THE KIDNAPPING ATTEMPTED RAPE OR THE SEXUAL ABUSE. HOWEVER I DO NOT WISH TO TRY MY CASE IN THIS LETTER. ALL I AM ASKING IS THAT YOU FIND SOME ATTORNEY THAT IS WILLING TO WORK FOR ME NOT THE D.A.

THAT MR MONSON THAT YOU SENT OVER HERE WOULD ONLY TALK TO ME IF I WOULD PLEA GUILTY TO CHARGES THAT I DID NOT DO.

PLEASE FIND ME AN ATTORNEY WILLING TO ASCERTAIN ALL THE TRUE FACTS IN MY CASE BEFORE WE GO TO COURT.

THANK YOU

SINCERELY

Bobby J. Fowler

STATE OF OREGON  
LINCOLN COUNTY COURTS  
IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF LINCOLN 95 JAN -8 PM 12:20

ENTERED *Blw*

STATE OF OREGON  
Plaintiff,  
v.  
Bobby Fowler  
Defendant.

CASE# 952838  
MEMORANDUM IN SUPPORT  
OF DOWNWARD DEPARTURE  
SENTENCE

Defendant, by and through his attorney of record, Steven Black presents the following information in support of a downward departure sentence.

Defendant was found guilty of Kidnapping in the First Degree, Attempted Rape in the First Degree, Sexual Abuse in the First Degree, Coercion, Assault IV (misd) and Menacing (misd), and is before the court for sentencing. Defendant is a 56 year old, Veteran and alcoholic with a significant prior record. He is at least a B on the Criminal History Scale with two prior person felonies within the last 10 years. However, he is asking the court for a downward dispositional departure to probation, with respect to all counts.

Defendant asks the court to consider the following mitigating factors in determining whether substantial and compelling reasons for a departure exist:

The defendant has been in custody since 28 June, 1995, nearly seven months, during which time he was a model prisoner.

An appropriate probationary term is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism. Defendant is 56 years old, who committed these crimes while under the influence of intoxicants. When deprived of intoxicants, as he has been in custody, he does not commit crimes.

An appropriate alcohol treatment program is available through the Veteran's program in White City, Oregon, and Mr. Fowler can be admitted to it immediately, having previously qualified for services.

PAGE 1 OF 2-MEMO, ST. V. FOWLER



000077

1 Probation and treatment will serve community safety interests  
2 by promoting offender reformation by means of a local treatment  
3 program.

4 No firearm was used in the offense, nor was Mr. Fowler under  
5 correctional supervision status at the time of the offense.

6 The degree of harm was significantly less than typical.

7 The criminal acts involved only one individual, and occurred  
8 over a brief period of time.

9 Mr. Fowler has begun some counselling while in custody.

10 Mr. Fowler has family with whom he can reside, and work  
11 available during the time he will be on probation.

12 The presumptive prison term carries several years probation. A  
13 dispositional departure allows the court to assess 5 years  
14 probation, and order his counselling as a sex offenders which is a  
15 long term process. He will be required to register as a convicted  
16 Sex Offender for the rest of his life.

17 Pursuant to OAR 253-05-009, the court can impose a  
18 probationary sentence as a departure from a prison sentence. The  
19 duration of probation is five years, as provided by OAR  
20 253-05-008. OAR 253-05-011(3) provides for the imposition of  
21 up to 90 custody units as a condition of that probation, and the  
22 entire 90 days can be used as a jail term. OAR 253-05-013(3).

23 Defendant asks the court to sentence him to five (5) years  
24 probation and 90 days in jail with credit for time served, and to  
25 require that he enter into and complete, an alcohol treatment  
program as approved by the probation office. Defendant  
understands that, if he does not successfully complete the  
probationary period, he can be sentenced to several months in  
prison as set out in grid block number 10B, pursuant to OAR  
253-10-002(2).

The Defendant also submits that the presentence report is  
wrong in assessing sentences in accordance with Measure 11,  
which is unconstitutional based on a proportionality argument.  
*State v. Conner*, *State v. Davis*, and *State v. Varzant*, are cases  
recently decided by Judge L.L. Sawyer in the Medford Circuit Court.  
Defendant also argues that the State may not choose to apply  
Measure 11 to some matters and not to others, in order to



1  
2 secure a longer sentence. Defendant also asserts that several of  
3 the charges for which he was convicted, merge for purposes of  
4 sentencing. Specifically, Coersion merges with either Kidnapping,  
5 Rape or Sexual Abuse. The two misdemeanor charges merge with  
6 each other and with one or more of the felonies, and that Sexual  
7 Abuse and Attempted Rape Merge. The result being that Defendant  
8 should be be sentenced on two matters, Kidnapping in the First  
9 Degree, and Attempted Rape in the First Degree. The former is a  
10 charge covered by Measure 11, the latter is not. The Defendant  
11 also requests that the Court consider a Motion for Judgement  
12 Notwithstanding the Verdict with respect to the Kidnapping I  
13 charge, and find a verdict of guilty to the lesser included offense of  
14 Kidnapping II.

15  
16 DATED this 8th day of January, 1996.

17 Respectfully Submitted,

18 

19 Steven Black, OSB #78145  
20 Attorney for Defendant  
21  
22  
23

